

CJL
Continued

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108. A composition comprising two amino acid sequences of Human Immunodeficiency Virus Type 1 (HIV-1) selected from the group of amino acids encoded by the following nucleotide sequences:

- (1) from about nucleotide 6095 to about 6200;
- (2) from about nucleotide 6260 to about 6310;
- (3) from about nucleotide 6390 to about 6440;
- (4) from about nucleotide 6485 to about 6620;
- (5) from about nucleotide 6860 to about 6930;
- (6) from about nucleotide 7535 to about 7630; and

wherein the amino acid sequences are free of particles of said virus.--

REMARKS

Reconsideration and reexamination of this application are respectfully requested.

Applicants respectfully note that in the original application claims 1-10 were submitted. In the Amendment of September 23, 1988, applicants submitted claims 13-57. These claims should have been numbered as claims 11-55. For clarity and to avoid confusion, applicants' new claims begin with claim 58 rather than claim 56. At the Examiner's request, applicants will renumber the claims to conform with the actual number of claims which have been submitted in the application.

As noted in Paper No. 4, in response to a restriction requirement applicants elected claims 32 and 33 directed to a DNA

- 63 Nucleotide positions 7535 to 7630 of the
env gene of HIV-1.
Page 12, line 2.
- 64 Amino acids 8 to 23 of the env gene of
HIV-1.
Page 12, line 9.
- 65 Amino acids 63 to 78 of the env gene of
HIV-1.
Page 12, line 10.
- 66 Amino acids 82 to 90 of the env gene of
HIV-1.
Page 12, line 11.
- 67 Amino acids 97 to 123 of the env gene of
HIV-1.
Page 12, line 12.
- 68 Amino acids 127 to 183 of the env gene of
HIV-1.
Page 12, line 13.
- 69 Amino acids 197 to 201 of the env gene of
HIV-1.
Page 12, line 14.
- 70 Amino acids 239 to 294 of the env gene of
HIV-1.
Page 12, line 15.
- 71 Amino acids 300 to 327 of the env gene of
HIV-1.
Page 12, line 16.
- 72 Amino acids 334 to 381 of the env gene of
HIV-1.
Page 12, line 17.
- 73 Amino acids 397 to 424 of the env gene of
HIV-1.
Page 12, line 18.
- 74 Amino acids 466 to 500 of the env gene of
HIV-1.
Page 12, line 19.

- 75 Amino acids 510 to 523 of the env gene of HIV-1.
Page 12, line 20.
- 76 Amino acids 551 to 577 of the env gene of HIV-1.
Page 12, line 21.
- 77 Amino acids 594 to 603 of the env gene of HIV-1.
Page 12, line 22.
- 78 Amino acids 621 to 630 of the env gene of HIV-1.
Page 12, line 23.
- 79 Amino acids 657 to 679 of the env gene of HIV-1.
Page 12, line 24.
- 80 Amino acids 719 to 758 of the env gene of HIV-1.
Page 12, line 25.
- 81 Amino acids 780 to 803 of the env gene of HIV-1.
Page 12, line 26.
- 82 The nucleotide sequence from about 6095 to about 6201, corresponding to amino acids 143-177.
Page 11, line 33.
- 83 The nucleotide sequence from about 6260 to about 6309, corresponding to amino acids 198-213.
Page 11, line 34.
- 84 The nucleotide sequence from about 6389 to about 6441, corresponding to amino acids 241-257.
Page 11, line 35.
- 85 The nucleotide sequence from about 6485 to about 6621, corresponding to amino acids 273-317.
Page 11, line 36.
- 86 The nucleotide sequence from about 6860

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to about 6930, corresponding to amino acids 393-420.
Page 12, line 1.

87 The nucleotide sequence from about 7535 to about 7629, corresponding to amino acids 623-653.
Page 12, line 2.

88-108 Compositions comprising claimed amino acid sequences of HIV-1.
Page 11, line 33 to page 12, line 28; and page 16, lines 14 to 18.

For claims 64 to 108, amino acid number 1 equals lysine, encoded by the codon AAA at position 5670-2 in the HIV-1 DNA sequence of Figures 13-17.

The Examiner indicated that applicants had elected the species of "claims 29 and 30 (old claims 32 and 33)." See page 3, line 2, Paper No. 4. As the Examiner did not indicate that the claims were renumbered, applicants respectfully submit that the correct numbering of the elected claims is claims 32 and 33. In the following remarks, applicants will refer to claims 32 and 33 followed by the Examiner's numbering of the claims in parentheses.

NOT AMENDED

Claim 32 (claim 29) was rejected under 35 U.S.C. §112, first paragraph, because of the recitation "at least a portion." The Examiner stated that "the disclosure is enabling only for claims limited [sic, to] the entire sequence set forth in claim 29." Applicants courteously traverse this ground for rejection. Applicants courteously submit that their specification is replete with teachings of portions of DNA and amino acid sequences of the invention. Nevertheless, applicants have amended claim 32 (claim 29) to no longer recite "at least a portion" of the sequence. Portions of the sequences are now claimed in the new claims. Applicants courteously request withdrawal of this ground for rejection.

Claims 32 and 33 (claims 29 and 30) were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner indicated that claim 32 (claim 29) was vague and indefinite in scope in the recitation of "at least a portion of the sequence." Applicants courteously traverse this ground for rejection. Once

again, applicants refer to the extensive teachings in the application regarding portions of the sequences of the invention. In any event, applicants respectfully submit that this rejection is moot. Claim 32 (claim 29) has been amended to no longer employ the language "at least a portion of the sequence."

Claim 32 (claim 29) was rejected under 35 U.S.C. §102(a) as being allegedly anticipated by Ratner et al. Applicants courteously traverse this ground for rejection.

Ratner et al. was published on January 24, 1985. Applicants have claimed priority under 35 U.S.C. §119 of French priority application No. 84 16013, filed October 18, 1984, and British priority application No. 84 29099, filed November 16, 1984. Filed herewith is a certified copy of the French priority document and a verified English translation of the French application. A copy of the British priority document will be submitted in the near future. As applicants' priority date is before the publication date of Ratner et al., applicants respectfully submit that Ratner et al. is not available as prior art. Therefore, applicants courteously request the withdrawal of this ground for rejection.

Claim 33 (claim 30) was rejected under 35 U.S.C. §103 as being allegedly unpatentable over Ratner et al. Applicants courteously traverse this ground for rejection.

As noted above, Ratner et al. is not available as prior art against the instant invention. Therefore, applicants courteously request the withdrawal of this ground for rejection.

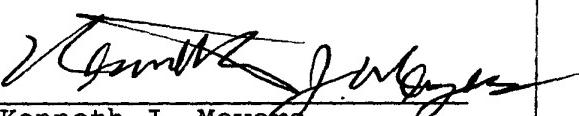
Applicants respectfully submit that this application is now in condition for allowance, and therefore applicants request the timely allowance of the pending claims.

If there are any fees due in conjunction with the filing of this response, please charge the fees to our Deposit Account No. 06-916.

Respectfully submitted,

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